

85-270-A 85-270-A PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 17.5 of the Zoning Law of Baltimore County to permit a rear yard setback of (17.5) feet instead of the required (20) feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

Despite attempting a number of different configurations for the garage, when the topology and boundaries of the lot are taken into account the plan shown is the most feasible. Failure to grant a variance would result in hardship and practical difficulty.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

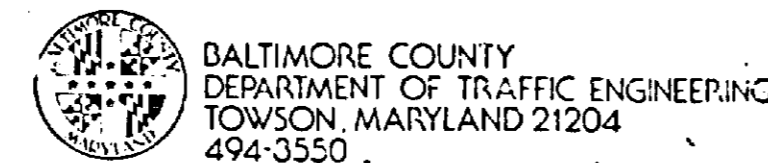
I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: Legal Owner(s):
 (Type or Print Name) Donovan M. Hamm, Jr.
 Signature Signature
 Address Linda Vettori Hamm
 (Type or Print Name)
 City and State Baltimore, Maryland
 Attorney for Petitioner: 1213 Berwick Road 337-0028
 (Type or Print Name) Address Phone No.
 Signature Towson, Maryland 21204
 City and State
 Name, address and phone number of legal owner, contract purchaser or representative to be contacted
 Address Donovan M. Hamm, Jr. 321-1900
 City and State 502 Washington Avenue, Suite 650
 Attorney's Telephone No.: Address Towson, MD 21204 Phone No.

ORDERED BY The Zoning Commissioner of Baltimore County, this 26th day of February, 1985, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 1st day of April, 1985, at 10:00 o'clock.

Call John
 Zoning Commissioner of Baltimore County.

(over)



STEPHEN E. COLLINS
DIRECTOR

February 28, 1985

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Item No. 210, 212, 213, 214, 215, 216, 217, 218, and 219 ZAC-Meeting of February 5, 1985
 Property Owner:
 Location:
 Existing Zoning:
 Proposed Zoning:

Acres:
 District:

Dear Mr. Jablon:

The Department of Traffic Engineering has no comments for item numbers 210, 212, 213, 214, 215, 216, 217, 218, and 219.

Michael S. Flanagan
Traffic Engineering Assoc. II

MSP/cem

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

March 19, 1985

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

NICHOLAS B. COMODARI
Chairman

MEMBERS
 Bureau of Engineering
 Department of Traffic Engineering
 State Roads Commission
 Bureau of Fire Prevention
 Health Department
 Project Planning
 Building Department
 Board of Education
 Zoning Administration
 Industrial Development

Mr. Donovan M. Hamm, Jr.
502 Washington Avenue
Towson, Maryland 21204

RE: Item No. 215 - Case No. 85-270-A
 Petitioner - Donovan M. Hamm, Jr., et al
 Variance Petition

Dear Mr. Hamm:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

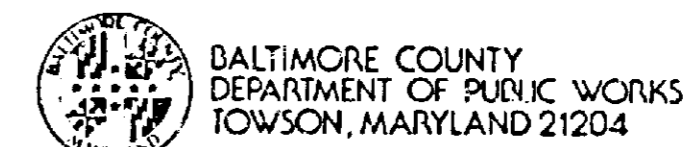
Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

NICHOLAS B. COMODARI
Chairman
Zoning Plans Advisory Committee

NBC:bse

Enclosures



HARRY J. PISTEL P.E.
DIRECTOR

March 19, 1985

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #215 (1984-1985)
 Property Owner: Donovan M. Hamm, Jr., et al
 S/S Berwick Rd. 240' E. from centerline
 Rider Hill Rd.
 Acres: .946
 District: 9th

Dear Mr. Jablon:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

General Comments:

As no public facilities are involved, this office has no comment.

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

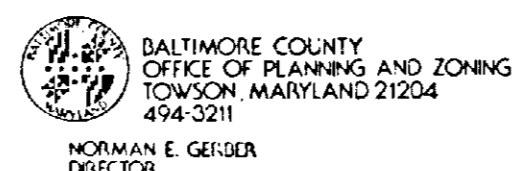
Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

Very truly yours,

HARRY J. PISTEL P.E., Chief
Bureau of Public Services

JAM:EAM:REC:iss

cc: File



Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Zoning Advisory Meeting of Feb. 5, 1985
 Item # 215
 Property Owner: Donovan M. Hamm, Jr., et al
 Location: S/S Berwick Rd. 240' E. from centerline
 Rider Hill Rd.

Dear Mr. Jablon:

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

- ☒ There are no site planning factors requiring comment, relative to REAR YARD SETBACK.
- ☒ A County Review Group Meeting is required.
- ☒ A County Review Group Meeting was held and the minutes will be forwarded by the Bureau of Public Services.
- ☒ This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
- ☒ A record plat will be required and must be recorded prior to issuance of a building permit.
- ☒ The access is not satisfactory.
- ☒ The circulation on this site is not satisfactory.
- ☒ The parking arrangement is not satisfactory.
- ☒ Parking calculations must be shown on the plan.
- ☒ This property contains soils which are defined as wetlands, and development on these soils is prohibited.
- ☒ Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-98 of the Development Regulations.
- ☒ Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
- ☒ The amended Development Plan was approved by the Planning Board on 1/15/85.
- ☒ Landscaping: Must comply with Baltimore County Landscape Manual.
- ☒ The property is located in a deficient service area as defined by Bill 178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is
- ☒ The property is located in a traffic area controlled by a "top level" intersection as defined by Bill 178-79, and as conditions change traffic capacity may become more limited. The Basic Services Areas are re-evaluated annually by the County Council.
- ☒ Additional comments:

cc: James Howell

Eugene A. Bober
Chief, Current Planning and Development

BALTIMORE COUNTY DEPARTMENT OF HEALTH

Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Zoning Item # 215, Zoning Advisory Committee Meeting of Feb. 5, 1985
 Property Owner: Donovan M. Hamm
 Location: S/S Berwick Road District 9
 Water Supply public Sewage Disposal septic system

COMMENTS ARE AS FOLLOWS:

- ☒ Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Environmental Support Services, for final review and approval.
- ☒ Prior to new installation/s of fuel burning equipment, the owner should contact the Division of Air Pollution Control, 494-3775, to obtain requirements for such installation/s before work begins.
- ☒ A permit to construct from the Division of Air Pollution Control is required for such items as spray paint processes, underground gasoline storage tank/s (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
- ☒ A permit to construct from the Division of Air Pollution Control is required for any charbroiler operation which has a total cooking surface area of five (5) square feet or more.
- ☒ Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
- ☒ Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other appurtenances pertaining to health and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Health for review and approval. For more complete information, contact the Recreational Hygiene Section, Division of Environmental Support Services.
- ☒ Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.
- ☒ If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with Water Resources Administration requirements.

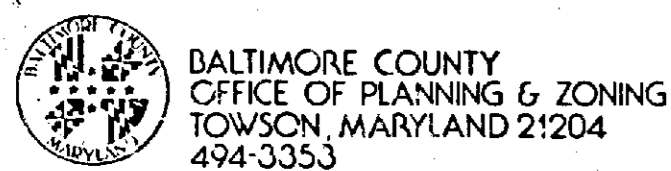
SS 20 1082 (1)

Zoning Item # 215, Zoning Advisory Committee Meeting of Feb. 5, 1985
 Page 2

- ☒ Prior to razing of existing structure/s, petitioner must contact the Division of Water Quality and Waste Management at 494-3768, regarding removal and/or disposal of potentially hazardous materials and solid wastes.
- ☒ Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and either be removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Water Quality and Waste Management at 494-3768.
- ☒ Soil percolation tests (have been/must be) conducted.
 { } The results are valid until
 { } Soil percolation test results have expired. Petitioner should contact the Division of Environmental Support Services to determine whether additional tests are required.
- ☒ Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.
- ☒ In accordance with Section 13-117 of the Baltimore County Code, the water well yield test
 { } shall be valid until
 { } is not acceptable and must be retested. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.
- ☒ Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
- ☒ If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted.
- ☒ Others: Prior to occupancy of the residence, currently under renovation, a new interior septic system must be installed as per Health Dept recommendations made pursuant to Building Permit 69190 for the current renovations.
 For additional information, owner should contact this office at 494-3762.

Jan V. Foxworth, Director
BUREAU OF ENVIRONMENTAL SERVICES

SS 20 1283 (2) R



ARNOLD JABLON
ZONING COMMISSIONER

March 28, 1985

Mr. and Mrs. Donovan M. Hamm, Jr.
1213 Berwick Road
Towson, Maryland 21204

RE: Petition for Variance
Beg. 421' S of Berwick Rd., 240' E of
the c/l of Rider Hill Rd. (1213 Berwick Rd.)
Donovan M. Hamm, Jr., et ux - Petitioners
Case No. 85-270-A

Dear Mr. and Mrs. Hamm:

This is to advise you that \$53.44 is due for advertising and posting of the above property.

This fee must be paid and our zoning sign and post returned on the day of the hearing before an Order is issued. Do not remove sign until day of hearing.

Please make the check payable to Baltimore County, Maryland, and remit to Mrs. Ariene January, Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE-REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 005372

DATE 4/2/85 ACCOUNT R-01-615-000

AMOUNT \$ 53.44

RECEIVED FROM Donovan M. Hamm, Jr.

FOR advertising and posting Case No. 85-270-A

B 8105*****5344a 8224F

VALIDATION OR SIGNATURE OF CASHIER

prely,

OLD JABLON
g Commissioner

IN RE: PETITION ZONING VARIANCE
Beginning 421' S of Berwick
Road, 240' E of the center-
line of Rider Hill Road
(1213 Berwick Road) - 9th
Election District
Donovan M. Hamm, Jr., et ux,
Petitioners

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 85-270-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a rear yard setback of 17 1/2 feet instead of the required 40 feet in order to construct a garage, as shown on Petitioners' Exhibit 1.

The Petitioners appeared and testified. Janie Murphy appeared as a Protes-

tant.
Testimony indicated that the subject property, zoned D.R.2, is presently improved with an old home that the Petitioners are renovating. The property, oddly shaped and with a severe topography, is landlocked and is accessible off of Berwick Road via a driveway reserved by an easement approximately 400 feet long. The house faces the driveway, which in reality is in the rear of the property, and Berwick Road is to the rear of the house. In order to satisfy the Murphys, the neighbors to the rear, the Petitioners have agreed to scale down the scope of their proposal from a two-story building with a garage on the first level and living quarters on the second to a one-story building for living quarters with an attached carport. The proposed envelope would remain the same, i.e., 32 1/2' x 32 1/2', but the living quarters would be one-half of that measurement and the carport would be the other half. The proposed addition would be attached to the house by a 7-foot-long enclosed walkway. There is no other location on the site that such an addition could be constructed as the property

slopes 20 feet to 25 feet on the east side of the house down to the property line. Additionally, the driveway is already on the west side of the property where the addition will be constructed.

The Petitioners seek relief from Section 1802.3.C.1, pursuant to Section 307, Baltimore County Zoning Regulations (BCZR).

An area variance may be granted where strict application of the zoning regulation would cause practical difficulty to the petitioner and his property. *McLean v. Soley*, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the petitioner must meet the following:

1. whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
2. whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
3. whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance were granted, such use as proposed would not be contrary to the spirit of the BCZR and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the instant variance were not granted. It has been established that the requirement from which the Petitioners seek relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 3rd day of April, 1985, that the Petition for Zoning Variance to permit a rear yard setback of 17 1/2 feet instead of the required 40 feet be and the same is hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions:

1. A revised site plan, showing the modified building, must be submitted to the Zoning Commissioner for approval.
2. Upon approval of the revised site plan, the Petitioners may apply for their building permit and be granted same; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

[Signature]
Zoning Commissioner of
Baltimore County

AJ/srl

cc: Mr. & Mrs. Donovan M. Hamm, Jr.

Mrs. Janie Murphy

People's Counsel

UNDER RECEIVED FOR FILING

DATE 4/2/85
BY *[Signature]*

- 3 -

CERTIFICATE OF PUBLICATION

PETITION FOR VARIANCE
LOCATION Beginning 421' S of Berwick Road, 240' E of the center-line of Rider Hill Road (1213 Berwick Road)
DATE AND TIME Monday, April 1, 1985, 7:00 P.M.
PUBLIC HEARING Room 113, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland 21204
The Zoning Commissioner of Baltimore County, by authority of the Board of and Regulations of Baltimore County, will hold a public hearing on the above-captioned petition for a zoning variance at the time and place stated above. The hearing will be held at the County Office Building, Room 113, 111 West Chesapeake Avenue, Towson, Maryland 21204, on Monday, April 1, 1985, at 7:00 P.M.
In the event the Petitioner is granted a building permit for the proposed building, the Petitioner will be required to submit a revised site plan to the Zoning Commissioner for approval. The Zoning Commissioner will be required to submit a report to the Board of and Regulations of Baltimore County on or before the date of the hearing on the petition for a zoning variance. The Board of and Regulations of Baltimore County will be required to hold a public hearing on the petition for a zoning variance on or before the date of the hearing on the petition for a zoning variance.

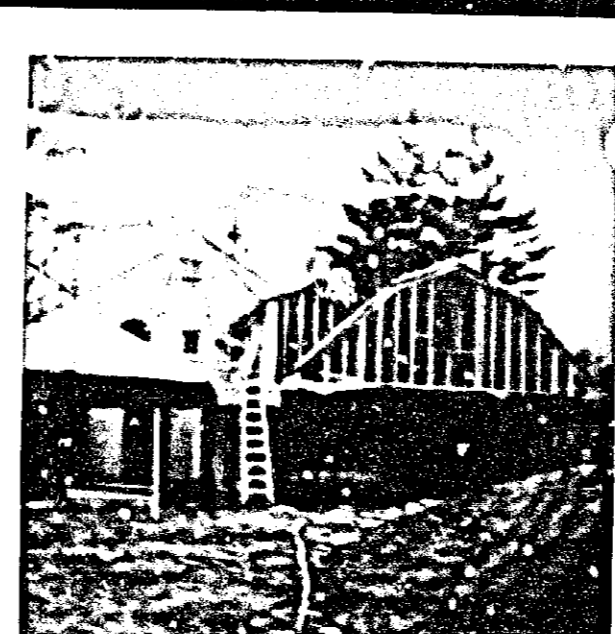
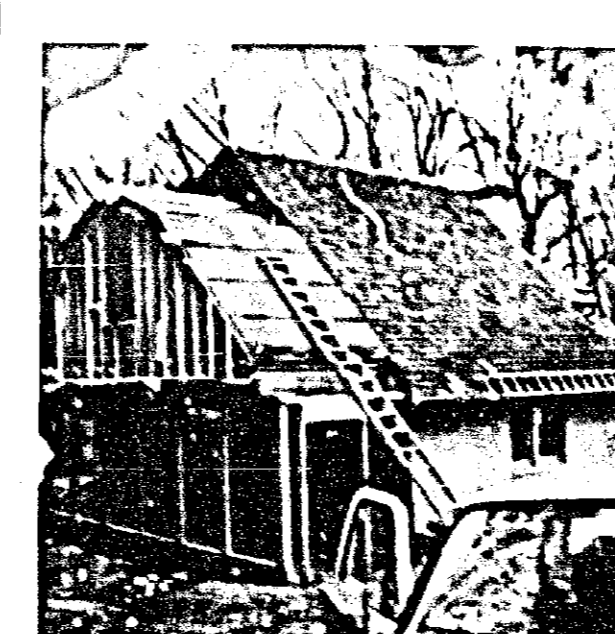
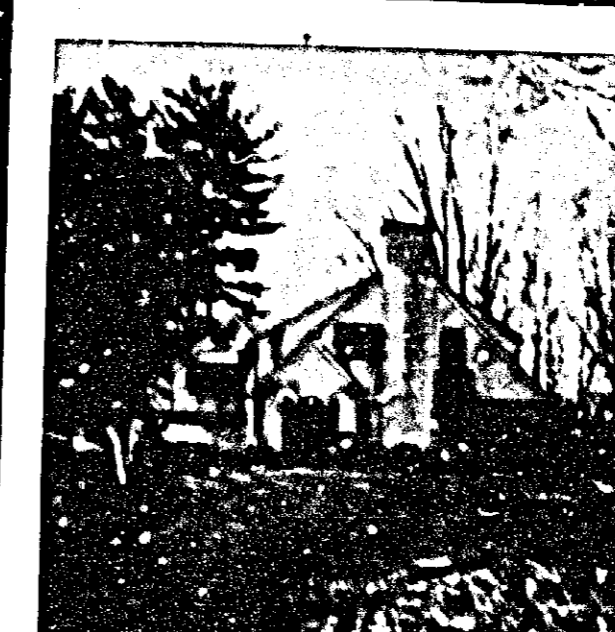
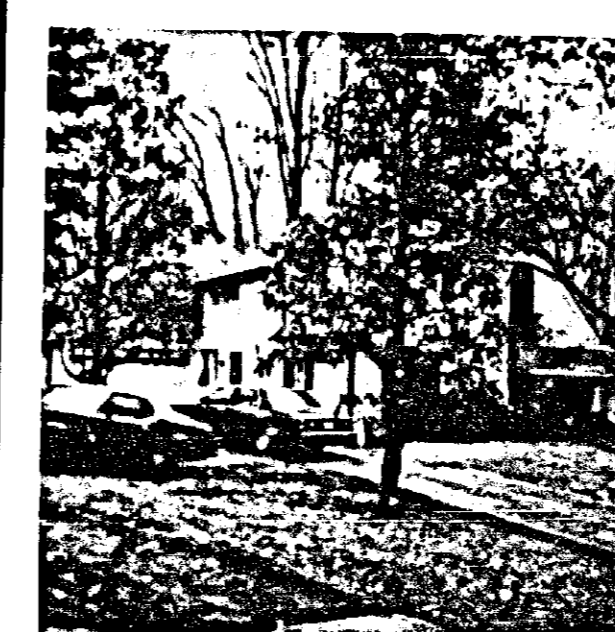
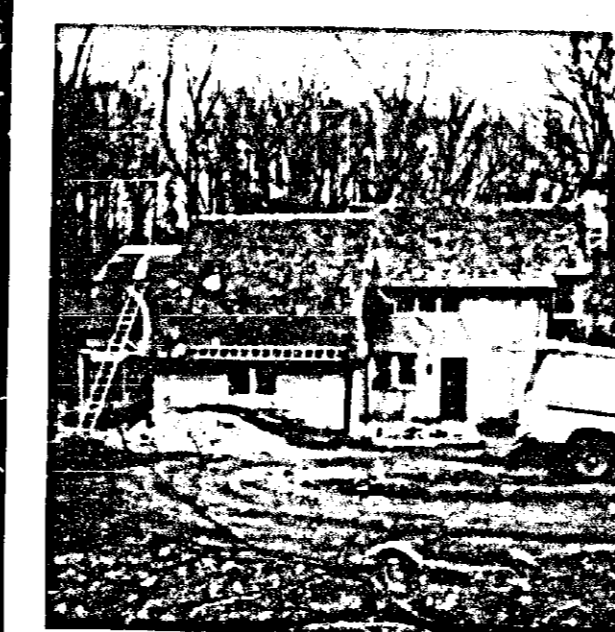
Towson, Md. 4/3 1985

THIS IS TO CERTIFY, that the annexed advertisement was published in the TOWSON TIMES, a weekly newspaper distributed in Towson, Baltimore County, Md., once a week for 1 consecutive weeks, the first publication appearing on the 13th day of March 1985.

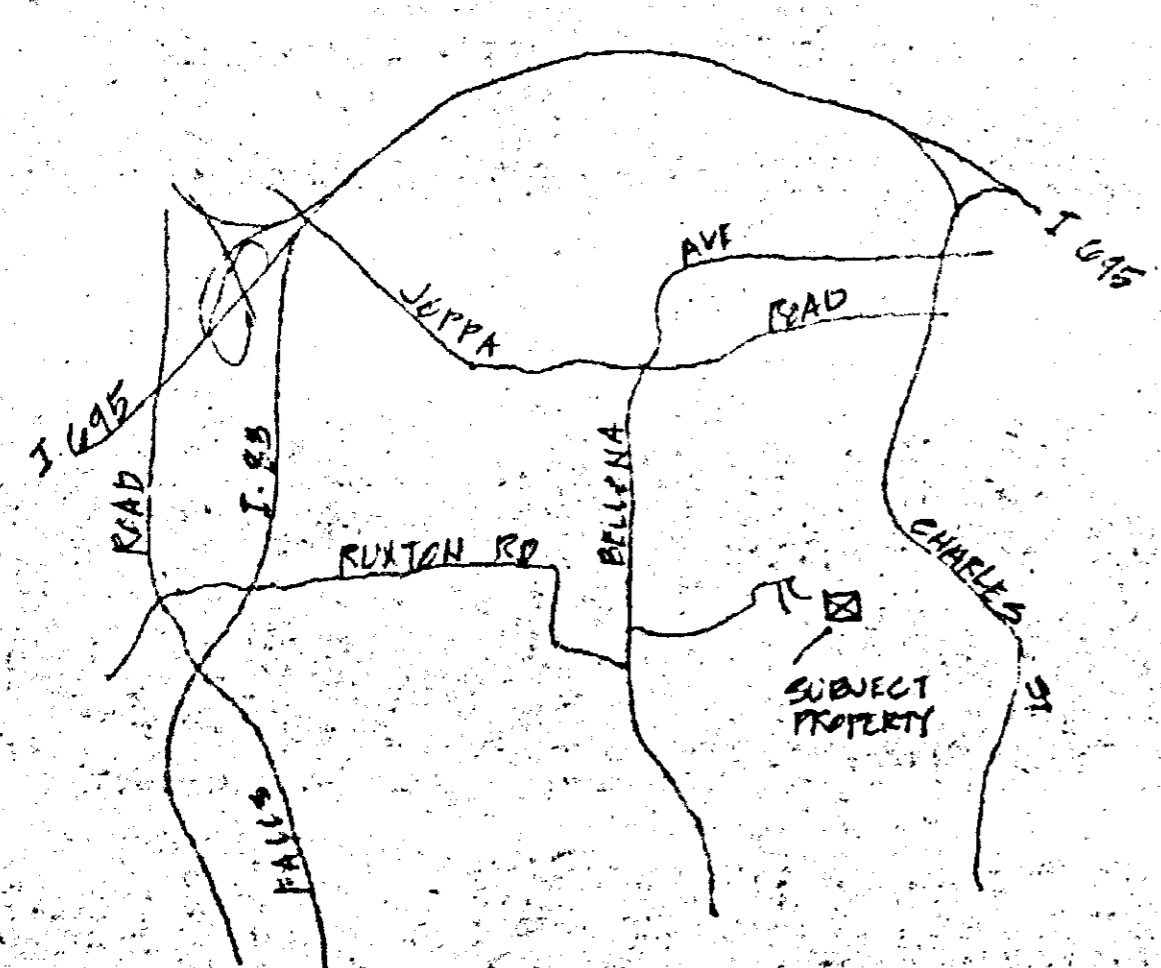
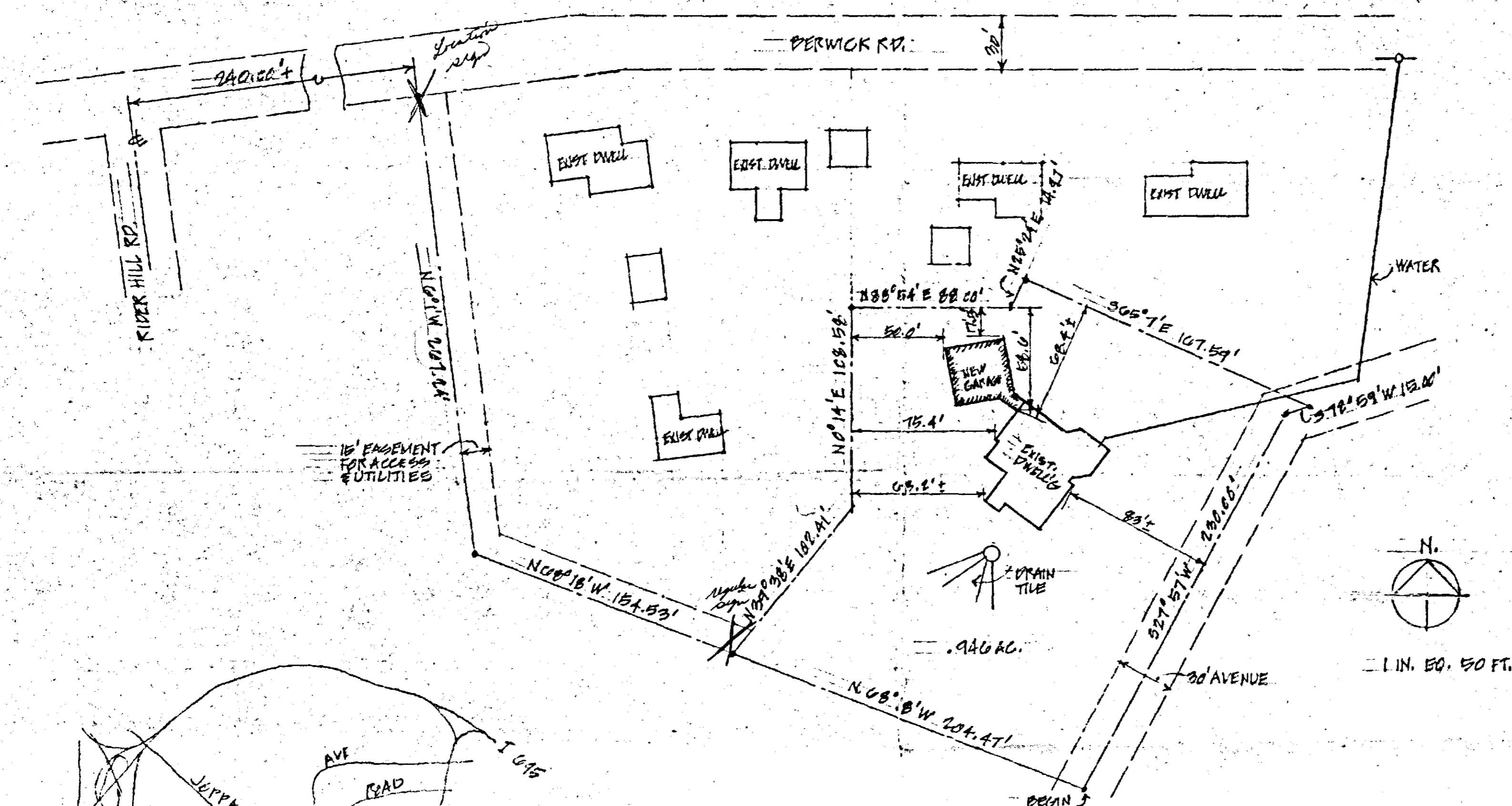
The TOWSON TIMES

Cost of Advertisement: \$ 35.44

ARNOLD JABLON
ZONING COMMISSIONER
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204



PETITIONER'S EXHIBIT



VICINITY MAP
1 IN. = 2,000 FT.

MAP	1
DATE	10/10/11
ELECTION	9
NO. OF	2/12
TO	A
BY	B
DATE	11/1

9th ELECTION DISTRICT	
ZONE DR-2	
REQUIRED SETBACKS	
FRONT	40'
SIDE	15'
REAR	40'
REQUESTED SETBACK	
REAR	17.5'

1213 BERWICK RD.
BALT. COUNTY (RUXTON), MD.